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DS SERVICES OF AMERICA, INC.

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Attorneys for Objectors
PARKER DAVIS et al.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

HECTOR SARINANA, on behalf of himself
and all others similarly situated,

Plaintiff,

v.

DS WATERS OF AMERICA, INC.,

Defendant.

Case No. C-13-0905 EMC
and related case 14-2996 EMC
STIPULATION AND [PROPOSED] ORDER
RE FINAL APPROVAL HEARING
and setting Further CMC

The parties hereby submit the following Stipulation:

STIPULATION

WHEREAS, preliminary approval to the parties' settlement was granted on July 11, 2014. (Dkt. 80). As a result, the class was mailed notice of the settlement on July 25, 2014, notifying them of an October 9, 2014 hearing on final approval.

WHEREAS, counsel in *Davis v. DS Waters of America, Inc.* (S.D. Cal. Case No. 14-cv-00250-BAS (NLS)) submitted an objection to the settlement on behalf of a number of class members ("Objectors") regarding the settlement related to alleged meal period violation claims.

WHEREAS, *Davis* includes rest period claims that were not alleged in *Sarinana* or *Haley*.

WHEREAS, the hearing for final approval of this settlement is currently set for October 9, 2014.

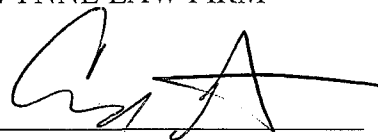
WHEREAS, the parties and the Objectors appeared for a hearing regarding a temporary restraining order issued by the Court related to Objectors' counsel on September 11, 2014. (Dkt. 82).

WHEREAS, subsequent to the September 11, 2014 hearing, counsel for the parties and Objectors met and conferred and agreed to an additional day of mediation regarding the claims for alleged meal and rest period violations before mediator Jeffrey Ross on November 21, 2014.

WHEREAS, the parties and Objectors have met and conferred and agree that the current hearing date for final approval of this settlement should be vacated and that notice should be sent to the class informing them of such.

Dated: September 25, 2014

WYNNE LAW FIRM



Edward J. Wynne
Class Counsel

Dated: September 25, 2014

SEYEARTH SHAW LLP

Eric E. Hill
Attorneys for Defendant
DS SERVICES OF AMERICA, INC.

Dated: September 25, 2014

THE TURLEY LAW FIRM

William Turley
Attorneys for Objectors
PARKER DAVIS et al.

ORDER

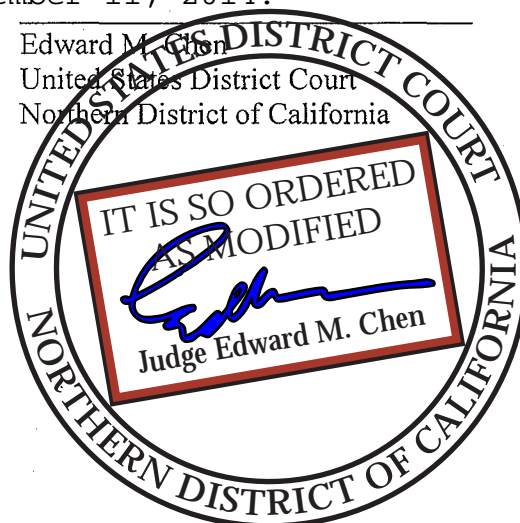
Having read and considered the parties' and Objectors' Stipulation, the Court orders as follows:

1. The final approval hearing currently scheduled for October 9, 2014 at 1:30 p.m. is vacated.

2. The parties are ordered to have the Claims Administrator send notice to the class that the October 9, 2014 final approval hearing is vacated. a Further CMC is set for December 18, 2014 at 10:30 a.m. An updated joint CMC statement shall be filed by December 11, 2014.

Dated: September 29, 2014

Edward M. Chen
United States District Court
Northern District of California



1 Dated: September 25, 2014

SEYFARTH SHAW LLP

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4 Eric E. Hill
Attorneys for Defendant
5 DS SERVICES OF AMERICA, INC.

6 Dated: September 25, 2014

THE TURLEY LAW FIRM

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8
9 William Turley
Attorneys for Objectors
10 PARKER DAVIS et al.

11
12
13 **ORDER**

14 Having read and considered the parties' and Objectors' Stipulation, the Court orders as
15 follows:

16 1. The final approval hearing currently scheduled for October 9, 2014 at 1:30 p.m.
17 is vacated.

18 2. The parties are ordered to have the Claims Administrator send notice to the class
19 that the October 9, 2014 final approval hearing is vacated.

20 Dated: _____

21 Edward M. Chen
22 United States District Court
23 Northern District of California
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